THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 6145 OF 2007

DATED: 05-11-2007

Between:

C. Dakshinamurthy,
S/o. Late C.V.Chalapathi Rao

… Petitioner

And

Andhra Pradesh Central Power Distribution
Company Limited, rep. by its Managing Director
Vidyuth Soudha, Hyderabad and three others

… Respondents

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ORDER:

In this writ petition, the petitioner seeks a direction by way of Mandamus to declare the action of the respondents in demanding the arrears on account of electricity consumption charges to a tune of Rs.15,969/- to the service connection No.22013-284 as illegal and arbitrary.

It is the case of the petitioner that for demand of arrears, there is no order determining any such liability. In that view of the matter, demanding arrears is illegal and arbitrary.

But, on the other hand, learned standing counsel appearing for the respondents has produced a copy of the order dated 22-01-2004 passed in order No.DEA-III/HYD/DAT.4083, D.No.4776 by the Divisional Engineer, Assessments-3, APCPDCL, which shows the final assessment on account of pilferage against the agreement holder by name Sri C.P.L.Ravi Shankar, assessing the value of energy at Rs.16,088/-. But, however, there is no proof of service of such order on

the consumer.

In view of the fact that against the orders of the Divisional Engineer, Assessments, there is an appeal provided under the designated appellate authority as per the terms and conditions of supply, I dispose of the writ petition permitting the petitioner to prefer an appeal against the order dated 22-01-2004 within a period of four(4) weeks from the date of receipt of a copy of this order and respondents are directed not to disconnect the power supply for a period of two months from today. It is open to the petitioner to obtain appropriate interim orders from the appellate authority and also open to raise all the grounds in the appeal against the order dated 22-01-2004.

Subject to the above direction, writ petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 05-11-2007
Rns

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